

<b>POLICE/SHERIFF'S DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Property Disposal</b>		<b>NUMBER: 2-17</b>	
<b>EFFECTIVE DATE: July 1, 1999</b>		<b>REVIEW DATE:</b>	
<b>AMENDS/SUPERSEDES: GO 2-17, January 1988</b>		<b>APPROVED: _____ Chief of Police/Sheriff</b>	
<b>CALEA STANDARDS: 61.2.3, 74.4.1, 83.3, 84.1</b>		<b>VLEPSC STANDARDS: ADM.16.01-16.05</b>	

## **NOTE**

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

---

## **INDEX WORDS**

Alcohol; disposal of  
Blood; disposal of samples  
Gambling devices; disposal of  
Money; unclaimed  
Narcotics  
Property; found  
Property; lost, unclaimed  
Weapons; disposal of

## **I. POLICY**

All personnel shall exercise scrupulous attention to safeguarding all property within departmental custody. All lost, found, and unclaimed property of non-evidentiary value (or which no longer has evidentiary value) shall be disposed of according to federal and state statutes. Personal property coming into departmental possession as evidence may be disposed of only after approval by the commonwealth's attorney. Under no circumstances shall property that is turned in or seized become property of a department employee.

## **II. PURPOSE**

To establish guidelines for the disposal of lost, found, and unclaimed property of non-evidentiary value.

### III. PROCEDURES

#### A. Responsibilities

Each officer is responsible for the safe storage of evidence, found property, and contraband. Officers are equally responsible for proper records-keeping of all property. Officers shall maintain appropriate logs of all incoming and outgoing property, plus documents concerning auctions or destruction of contraband. The chief of police/sheriff shall ensure correct control and accountability of all property.

#### B. General procedures

1. The department shall make every reasonable effort to identify and locate owners of lost property.
2. Property not claimed by the owner(s) within 60 days is considered abandoned and shall be disposed of without further notice.
  - a. A finder of property, other than a deputy sheriff/police officer or member of his or her immediate family, may claim the property within 10 days following the expiration of the 60-day period.
3. Property stored as evidence shall be held no longer than 60 days after final court disposition.
4. In any event, final disposition of any found, recovered, or evidentiary property shall be reached within six months after all legal requirements have been satisfied. The Uniform Disposition of Unclaimed Property Act, *Virginia Code* §§ 55-210.1-30, applies. § 15.2-1719 governs the disposal of unclaimed property in departmental possession.
5. Perishable substances
  - a. Perishable evidentiary items shall be photographed and returned to the owner immediately when possible and practical.
  - b. Perishable items whose owner cannot be located shall be destroyed or donated to a charitable organization, upon approval of the chief/sheriff.

#### C. Release of non-evidentiary and lost/found property

1. Non-evidentiary and lost/found property shall be released to the true owner or his agent when claimed.

2. Satisfactory proof of ownership (e.g., serial number, receipts, sales slip, invoice) must be presented. In lieu of proof listed above, when an owner can describe a property item in great detail as to color, style, brand, scratches, marks, and condition (characteristics which only the owner would know), property may be released.
3. Any other person seeking release of property, particularly when a dispute exists about ownership, shall be advised that the property can only be released to them as a result of the following:
  - a. A valid court order.
  - b. Written consent from the town attorney or commonwealth's attorney.

D. Disposal of lost, found, and non-evidentiary property

1. The investigator or evidence custodian (see GO 2-15 for a description of responsibilities) shall prepare an annual inventory of non-evidentiary items that have remained unclaimed. At least once quarterly, the investigator or evidence custodian or his or her designee shall conduct an inspection of the storage area and files to ensure that proper storage and tagging procedures have been maintained.
2. The investigator shall present the quarterly inspection and annual inventory to the chief of police/sheriff. The chief/sheriff may conduct a spot inspection or audit without notice.
3. The chief of police/sheriff shall ensure disposal of these items in accordance with procedures specified by law (e.g., advertisement, public sale, deposit of proceeds), and will provide a certificate of disposal, properly witnessed by disinterested persons, for files. The chief of police/sheriff may delegate this responsibility.

E. Unclaimed money or other values

Abandoned or unclaimed money, checks, or securities and other intangible property (as defined in § 55-210.2) must be reported to the State Treasurer, Division of Unclaimed Property.

F. Weapons

1. Following all criminal proceedings, legally possessed weapons not ordered confiscated by the court shall be returned to the owner or the owner's agent.
2. Proof of ownership (e.g., serial number, receipts, sales slips or detailed descriptions) shall be required before release.

3. Disposal of contraband weapons and those ordered confiscated by the court shall be according to court orders and § 18.2-310 after an NCIC check.
4. Firearms not retrieved by the owners or taken into departmental inventory shall be destroyed. § 15.2-1721 applies.

G. Drugs/narcotics (See GO 2-16)

1. Large seizures in excess of 10 pounds of controlled substances or marijuana shall be disposed of according to § 18.2-253.1.
2. Controlled substances and marijuana of no evidentiary value shall be disposed of according to § 18.2-253.
3. Property seized in connection with the illegal manufacture, sale, or distribution of controlled substances shall be handled according to asset forfeiture procedures per § 19.2-386.1-386.14. See GO 2-36, asset forfeitures.
4. Substances analyzed and found to be non-controlled, where no demand has been made for their return within seven days after all rights to appeal have been exhausted, shall be listed on a court order and destroyed in the same manner as controlled substances.

H. Alcohol

1. Alcoholic beverages which are not contraband and have no evidentiary value shall not be seized and shall be retained by the owner.
2. Contraband alcoholic beverages (those possessed by underage drinkers) and alcoholic beverages confiscated by the court shall be disposed of according to § 4.1-338.

I. Gambling

1. Property and evidence seized incident to an arrest for violation of § 18.2-336 shall be forfeited to the commonwealth by order of the court having last jurisdiction.
2. Money seized shall be disposed of according to court order.

J. Blood samples (DUI arrests)

1. The chief of police/sheriff shall destroy blood sample containers according to §§ 18.2-268.2-268.6 unless otherwise directed by the accused or his attorney.

2. The destruction shall be accomplished routinely by the officer who originally recovered the evidence.